

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321.200A, the Iowa Department of Transportation, on February 10, 2016, adopted an amendment to Chapter 615, “Sanctions,” Iowa Administrative Code.

Notice of Intended Action for this amendment was published in the January 6, 2016, Iowa Administrative Bulletin as **ARC 2344C**.

The amendment is required by Iowa Code section 321.200A and concerns identity theft complaints. The amendment provides instruction for a person to request that the Department investigate fraudulent use of a person’s name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A. The Department will review the request for investigation to determine if an investigation is warranted based on the facts of the complaint.

This amendment does not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

This amendment is identical to the one published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 321.200A.

The amendment will become effective April 6, 2016.

Rule-making action:

Adopt the following new rule 761—615.41(321):

**761—615.41(321) Investigation of convictions based on fraud.** A person requesting investigation of fraudulent use of a person’s name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049, Identity Theft Complaint. The department shall review the application and may investigate, if appropriate, as required by Iowa Code section 321.200A. Form 420049 may be obtained by contacting the bureau of investigation and identity protection by mail at Bureau of Investigation and Identity Protection, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or on the department’s Web site.

This rule is intended to implement Iowa Code section 321.200A.

[Filed 2/10/16, effective 4/6/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/2/16.